

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6575

BILL NUMBER: HB 1294

NOTE PREPARED: Dec 23, 2021

BILL AMENDED:

SUBJECT: Restraint of Pregnant Inmates.

FIRST AUTHOR: Rep. Fleming

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

- A. *Standards and Levels of Care* – It provides that a correctional facility shall: (1) use the least restrictive restraints necessary on a pregnant inmate when the pregnant inmate is in the second or third trimester of pregnancy; or (2) use no restraints on a pregnant inmate who is in labor, delivering a baby, recuperating from a delivery, or dealing with a medical emergency related to the pregnancy, with certain exceptions. It provides that a correctional facility and a county jail shall provide specific care, treatment, and education for pregnant inmates and inmates who have recently given birth.
- B. *Annual Report* – It requires that, not later than June 30 of each year, the Commissioner of the Department of Correction (DOC) shall: (1) compile a report that includes an account of every instance when a pregnant inmate has been restrained in a correctional facility; and (2) submit the report to the Governor, the Chief Justice, and the Legislative Council.
- C. It repeals the current statute concerning prenatal and postnatal care and treatment and incorporates it into a new chapter concerning medical care and treatment for pregnant inmates. It also defines "pregnant inmate" and "restraints".

Effective Date: July 1, 2022.

Explanation of State Expenditures: *Standards of Care* – DOC indicates that many of these policies proposed in this bill already exist. Additional policy accommodations could likely be made with existing resources.

DOC reports that currently pregnant offenders are not restrained during active labor. The delivering

physician can also request them to be removed if deemed medically necessary. While there is training on how to safely restrain pregnant offenders, it is not specific to the last two trimesters.

Annual Report – DOC would be required to compile a report showing date, time, location and reason for restraining a pregnant inmate. This report would be submitted to the Governor. This can be accomplished with existing resources.

Levels of Care – Wardens of facilities would be required to provide the following:

1. a pregnancy test within 14 days of incarceration. [Under DOC's contract with Centurion, every inmate in the female facilities receives a pregnancy test upon intake.]
2. prevailing standards of care or current practice by the medical care provider's peer group
3. appropriate educational materials and resources about pregnancy, child birth, breastfeeding, and parenting
4. doula services if these services are provided by a certified doula without charge
5. access to mental health assessment, treatment and medication, and therapeutic care for depression for persons determined to be suffering from postpartum depression
6. applicable laws and policies governing pregnant inmates

DOC should be able to provide most of these services with existing resources.

Additional Information – DOC reports that all women who were in labor have had births in a local hospital between 2017 and 2020. The number of women committed to DOC and giving birth while in prison between CY 2017 and 2019 were: 2017: 84; 2018: 103; 2019: 101 and 2020: 27.

DOC reports that the following personnel are provided through its contract with Centurion.

Title of Position	Number of Positions
Mental Health Clerk	12.3
Mental Health Nurse Practitioner	3.0
Mental Health Professional	70.2
Mental Health Scheduler	1.0
Psychiatrist	8.8
Psychologist	25.4
Substance Abuse Clerk	1.0
Mental Health Interns	2.0
Addiction Recovery Specialist	89.0
Behavioral Health Specialist	28.0

Explanation of State Revenues:

Explanation of Local Expenditures: Information on how pregnant women are accommodated in Indiana jails is currently not available. This fiscal note will be updated when additional information becomes available.

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected: County jails.

Information Sources: Department of Correction.

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